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Kevin P. Rogan

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2800 Bridge Parkway
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EXAMINER

RODRIGUEZ, LENNIN R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/706,217	Applicant(s) ROGAN ET AL.	
	Examiner LENNIN R. RODRIGUEZ	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/15/2008 has been entered.

Response to Arguments

2. Applicant's arguments filed on 5/21/2008 have been fully considered but they are not persuasive. Applicant's argument regarding "Kuchta does not disclose detailed relationship between the printable portions and the input digital image along the width and the height dimensions, Kuchta does not teach the elements of 'determining a first print format having a first aspect ratio, wherein the input digital image has an image width and image height, wherein the first printable portion has a first printable image height substantially the same as the image height and has a first printable image width different from the image width' and 'determining a second printable image portion in the input digital image for a second print format having a second aspect ratio different from the first aspect ratio, wherein the second printable portion has a second printable image

width substantially the same as the image width and has a second printable image height different from the image height” has been fully considered in response “”.

3. Drawing objections have been withdrawn in view of the submitted amendment.
4. Claim objection has been withdrawn in view of the submitted amendment.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-9, 12-16 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuchta (US 5,805,777) in view of Iwata et al. (US 2002/0163665).

(1) regarding claim 1:

Kuchta '777 discloses a method for producing a preview image for printing an input digital image at different print formats, comprising

determining a first printable image portion in the input digital image for a first print format (column 12, lines 38-43, where option 0 provides with a first preview of the image) having a first aspect ratio (where it uses the scale factor specified by a user);

determining a second printable image portion in the input digital image for a second print format having a second aspect ratio different from the first aspect ratio (column 12, lines 54-56 and 60-62, where the image can have a different aspect ratio than the printable area);

Kuchta '777 discloses all the subject matter as described above except displaying a common printable image portion of the input digital image based on the first

printable image portion and the second printable image portion, wherein the common printable image portion is suitable for printing the input digital image in the first print format or the second print format.

However, Iwata '665 teaches displaying a common printable image portion of the input digital image (Fig. 39 and paragraph [0310], lines 7-17) based on the first printable image portion (paragraph [0310], where the printable image portion of printer 60 is interpreted as the first printable portion) and the second printable image portion (paragraph [0310], where the printable image portion of printers 70 and 80 is interpreted as the second printable portion), wherein the common printable image portion is suitable for printing the input digital image in the first print format (paragraph [0318], where after the calculation of the common printable area the print data is sent to the printer 60, 70 or 80 to be printed in the respective print format) or the second print format.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to display a common printable image portion of the input digital image based on the first printable image portion and the second printable image portion, wherein the common printable image portion is suitable for printing the input digital image in the first print format or the second print format as taught by Iwata '665, in the system of Kuchta '777. With this, the area fitting module 124b restricts the printing area of the intermediate print data into the common printable area, in the case where the printing area defined by the intermediate print data is partly out of the common printable area computed by the printable area (paragraph [0304]).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art that the input digital image has an image width and image height, wherein the first printable portion has a first printable image height substantially the same as the image height and has a first printable image width different from the image width and the second printable portion has a second printable image width substantially the same as the image width and has a second printable image height different from the image height. Applicant has not disclosed that the input digital image has an image width and image height, wherein the first printable portion has a first printable image height substantially the same as the image height and has a first printable image width different from the image width and the second printable portion has a second printable image width substantially the same as the image width and has a second printable image height different from the image height provides an advantage, it is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with Kuchta '777 and Iwata '665 height and width, because both perform substantially the same function of determining first and second printable portions having different ratios of height and width.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the method for producing a preview image for printing an input digital image at different print formats to obtain the specified invention.

(2) regarding claim 26:

Kuchta '777 further discloses a system for producing a preview image for printing an image print at a plurality of print formats in response to an input digital image, comprising;

a computer processor (12 in Fig. 1) configured to determine a first printable image portion in the input digital image for a first print format(column 12, lines 38-43, where option 0 provides with a first preview of the image) having a first aspect ratio (where it uses the scale factor specified by a user) and to determine a second printable image portion in the input digital image for a second print format having a second aspect ratio different from the first aspect ratio (column 12, lines 54-56 and 60-62, where the image can have a different aspect ratio than the printable area);

Kuchta '777 discloses all the subject matte as described above except a display device configured to display a common printable image portion of the input digital image based on the first printable image portion and the second printable image portion, wherein the common printable image portion is suitable for printing the input digital image in the first print format or the second print format.

However, Iwata '665 teaches a display device configured to display a common printable image portion (Fig. 39 and paragraph [0310], lines 7-17) if the input digital image based on the first printable image portion (paragraph [0310], where the printable image portion of printer 60 is interpreted as the first printable portion) and the second printable image portion (paragraph [0310], where the printable image portion of printers 70 and 80 is interpreted as the second printable portion), wherein the common printable image portion is suitable for printing the input digital image in the first print format

(paragraph [0318], where after the calculation of the common printable area the print data is sent to the printer 60, 70 or 80 to be printed in the respective print format) or the second print format.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to display a common printable image portion of the input digital image based on the first printable image portion and the second printable image portion, wherein the common printable image portion is suitable for printing the input digital image in the first print format or the second print format as taught by Iwata '665, in the system of Kuchta '777. With this, the area fitting module 124b restricts the printing area of the intermediate print data into the common printable area, in the case where the printing area defined by the intermediate print data is partly out of the common printable area computed by the printable area (paragraph [0304]).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art that the input digital image has an image width and image height, wherein the first printable portion has a first printable image height substantially the same as the image height and has a first printable image width different from the image width and the second printable portion has a second printable image width substantially the same as the image width and has a second printable image height different from the image height. Applicant has not disclosed that the input digital image has an image width and image height, wherein the first printable portion has a first printable image height substantially the same as the image height and has a first printable image width different from the image width and the second printable portion has a second printable

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image width substantially the same as the image width and has a second printable image height different from the image height provides an advantage, it is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with Kuchta '777 and Iwata '665 height and width, because both perform substantially the same function of determining first and second printable portions having different ratios of height and width.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the method for producing a preview image for printing an input digital image at different print formats to obtain the specified invention.

(3) regarding claims 2, 29 and 31:

Kuchta '777 and Iwata '665 disclose all the subject matter as described above except wherein the first printable image width is smaller than the image width.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art that the first printable image width is smaller than the image width. Applicant has not disclosed that the first printable image width is smaller than the image width provides an advantage, it is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with Kuchta '777 and Iwata '665 width, because both perform substantially the same function of determining first printable portion having different ratio of width.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the method for producing a preview image for printing an input digital image at different print formats to obtain the specified invention.

(4) regarding claims 3, 30 and 32:

Kuchta '777 and Iwata '665 disclose all the subject matter as described above except wherein the second printable image height is smaller than the image height.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art that the second printable image height is smaller than the image height. Applicant has not disclosed that the second printable image height is smaller than the image height provides an advantage, it is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with Kuchta '777 and Iwata '665 height, because both perform substantially the same function of determining first printable portion having different ratio of height.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the method for producing a preview image for printing an input digital image at different print formats to obtain the specified invention.

(5) regarding claims 4 and 15:

Kuchta '777 discloses all the subject matter as described above except further comprising determining the common printable image portion of the input digital image based an overlapping image area between the first printable image portion and the second printable image portion.

However, Iwata '665 teaches further comprising determining the common printable image portion of the input digital image based on an overlapping image area between the first printable image portion and the second printable image portion (P in Fig. 39, where the common printable area is being determined by the overlapped portions of the two images, one from printer 60 and the second from printers 70 and 80).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to determine the common printable image portion of the input digital image based on an overlapping image area between the first printable image portion and the second printable image portion as taught by Iwata '665, in the system of Kuchta '777. With this, the area fitting module 124b restricts the printing area of the intermediate print data into the common printable area, in the case where the printing area defined by the intermediate print data is partly out of the common printable area computed by the printable area (paragraph [0304]).

(6) regarding claims 5 and 14:

Kuchta '777 discloses all the subject matter as described above except further comprising determining the common printable image portion of the input digital image by determining one or more unprintable image portions in the input digital image.

However, Iwata '665 teaches further comprising determining the common printable image portion of the input digital image by determining one or more unprintable image portions in the input digital image (paragraph [0309], where by determining the unprintable portions of the images a common printable area is being determined).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to determine the common printable image portion of the input digital image by determining one or more unprintable image portions in the input digital image, as taught by Iwata '665, in the system of Kuchta '777. With this, the area fitting module 124b restricts the printing area of the intermediate print data into the common printable area, in the case where the printing area defined by the intermediate print data is partly out of the common printable area computed by the printable area (paragraph [0304]).

(7) regarding claims 6 and 13:

Kuchta '777 further discloses determining a maximum area of the first printable image portion in the input digital image (column 12, lines 51-54, where the maximum printable area is being determined and since the method is being performed by a computer (computers perform calculations) it is calculating the maximum printable area).

(8) regarding claims 7 and 16:

Kuchta '777 further discloses selecting a position for the printable image portion in the input digital image for displaying (column 11, lines 44-45).

Kuchta '777 discloses all the subject matter as described above except a common printable portion.

However, Iwata '665 teaches a common printable portion (P in Fig. 39, where the common printable area is being determined by the overlapped portions of the two images, one from printer 60 and the second from printers 70 and 80).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a common printable portion as taught by Iwata '665, in the system of Kuchta '777. With this, the area fitting module 124b restricts the printing area of the intermediate print data into the common printable area, in the case where the printing area defined by the intermediate print data is partly out of the common printable area computed by the printable area (paragraph [0304]).

(9) regarding claim 8:

Kuchta '777 further discloses defining a default position for the printable image portion in the input digital image for displaying (column 11, lines 43-44).

Kuchta '777 discloses all the subject matter as described above except a common printable portion.

However, Iwata '665 teaches a common printable portion (P in Fig. 39, where the common printable area is being determined by the overlapped portions of the two images, one from printer 60 and the second from printers 70 and 80).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a common printable portion as taught by Iwata '665, in the system of Kuchta '777. With this, the area fitting module 124b restricts the printing area of the intermediate print data into the common printable area, in the case where the printing area defined by the intermediate print data is partly out of the common printable area computed by the printable area (paragraph [0304]).

(10) regarding claims 9 and 18:

Kuchta '777 discloses all the subject matter as described above except producing an image print based on the common printable image portion of the input digital image.

However, Iwata '665 teaches producing an image print based on the common printable image portion of the input digital image (paragraph [0318], where the user can obtain the print outs of the calculated common printable area).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made producing an image print based on the common printable image portion of the input digital image as taught by Iwata '665, in the system of Kuchta '777. With this, the area fitting module 124b restricts the printing area of the intermediate print data into the common printable area, in the case where the printing area defined by the intermediate print data is partly out of the common printable area computed by the printable area (paragraph [0304]).

(11) regarding claim 12:

Kuchta '777 further discloses a method for producing a preview image for printing an input digital image at different print formats, comprising:

determining a first printable image portion in the input digital image for a first print format having a first aspect ratio (column 12, lines 38-43, where option 0 provides with a first preview of the image);

determining a second printable image portion in the input digital image for a second print format having; a second aspect ratio different from the first aspect ratio (column 12, lines 54-56 and 60-62, where the image can have a different aspect ratio than the printable area);

selecting a position for the printable image portion in the input digital image for displaying (column 11, lines 44-45);

Kuchta '777 discloses all the subject matte as described above except a common printable area;

determining an overlapping image portion between the first printable image portion and the second printable image portion; and

displaying the common printable image portion of the input digital image based on the overlapping image portion, wherein the common printable image portion is suitable for printing the input digital image in the first print format or the second print format.

However, Iwata '665 teaches a common printable area (P in Fig. 39, where the common printable area its being determined by the overlapped portions of the two images, one from printer 60 and the second from printers 70 an 80);

determining an overlapping image portion between the first printable image portion and the second printable image portion (P in Fig. 39, where the common printable area its being determined by the overlapped portions of the two images, one from printer 60 and the second from printers 70 an 80); and

displaying a common printable image portion of the input digital image (Fig. 39 and paragraph [0310], lines 7-17) based on the first printable image portion (paragraph [0310], where the printable image portion of printer 60 is interpreted as the first printable portion) and the second printable image portion (paragraph [0310], where the printable image portion of printers 70 and 80 is interpreted as the second printable portion),

wherein the common printable image portion is suitable for printing the input digital image in the first print format (paragraph [0318], where after the calculation of the common printable area the print data is sent to the printer 60, 70 or 80 to be printed in the respective print format) or the second print format.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a common printable area, determining an overlapping image portion between the first printable image portion and the second printable image portion, and displaying the common printable image portion of the input digital image based on the overlapping image portion, wherein the common printable image portion is suitable for printing the input digital image in the first print format or the second print format as taught by Iwata '665, in the system of Kuchta '777. With this, the area fitting module 124b restricts the printing area of the intermediate print data into the common printable area, in the case where the printing area defined by the intermediate print data is partly out of the common printable area computed by the printable area (paragraph [0304]).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art that the input digital image has an image width and image height, wherein the first printable portion has a first printable image height substantially the same as the image height and has a first printable image width different from the image width and the second printable portion has a second printable image width substantially the same as the image width and has a second printable image height different from the image height. Applicant has not disclosed that the input digital image has an image width and

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image height, wherein the first printable portion has a first printable image height substantially the same as the image height and has a first printable image width different from the image width and the second printable portion has a second printable image width substantially the same as the image width and has a second printable image height different from the image height provides an advantage, it is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with Kuchta '777 and Iwata '665 height and width, because both perform substantially the same function of determining first and second printable portions having different ratios of height and width.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the method for producing a preview image for printing an input digital image at different print formats to obtain the specified invention.

(12) regarding claim 27:

Kuchta '777 further discloses wherein the first printable image portion in the input image includes is determined based on the first aspect ratio (column 12, lines 38-43, where option 0 provides with a first preview of the image).

(13) regarding claim 28:

Kuchta '777 further discloses wherein the second printable image portion in the input image includes is determined based on the second aspect ratio (column 12, lines 54-56 and 60-62, where the image can have a different aspect ratio than the printable area).

7. Claims 10-11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuchta (US 5,805,777) and Iwata et al. (US 2002/0163665) as applied to claims above, and further in view of Leone et al. (US 5,596,346).

(1) regarding claim 10:

Kuchta '777 and Iwata '665 disclose all the subject matter as describe above except wherein the input digital image includes an image border defining a viewable image portion of the input digital image within the image border.

However, Leone '346 teaches wherein the input digital image includes an image border defining a viewable image portion of the input digital image within the image border (column 1, lines 60-62).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made selecting an image border to be printed with the input digital image at the print format calculating a printable image portion of the input digital image for the selected image border and the print format and displaying the printable portion of the input digital image and the image border for preview prior to printing an image print having the image border at the print format. as taught by Leone '346, in the system of Kuchta '777 and Iwata '665. The convenience of this added feature is that after the user sees and selects the preview options on an image he/she wants to have a finished product such as an impression thus giving the user freedom to do printouts of images previously displayed as a preview.

(2) regarding claims 11 and 17:

Kuchta '777 and Iwata '665 disclose all the subject matter as described above except selecting an image border for the input digital image, wherein the image border defines a viewable image portion in the input digital image.

However, Leone '346 teaches selecting an image border for the input digital image, wherein the image border defines a viewable image portion in the input digital image (column 1, lines 62-66).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made selecting an image border to be printed with the input digital image at the print format calculating a printable image portion of the input digital image for the selected image border and the print format and displaying the printable portion of the input digital image and the image border for preview prior to printing an image print having the image border at the print format. as taught by Leone '346, in the system of Kuchta '777 and Iwata '665. The convenience of this added feature is that after the user sees and selects the preview options on an image he/she wants to have a finished product such as an impression thus giving the user freedom to do printouts of images previously displayed as a preview.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENNIN R. RODRIGUEZ whose telephone number is (571)270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/Lennin R Rodriguez/
Examiner, Art Unit 2625